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February 17, 2000

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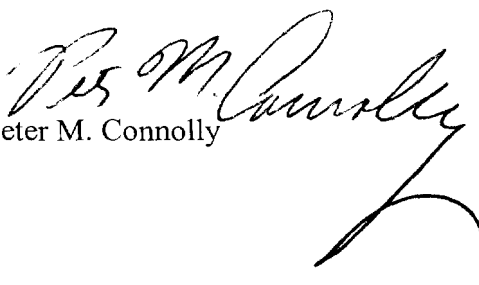
Dear Ms. Salas:

Re: DA-00-222, IB Docket 99-81, RM-9328

Herewith transmitted, on behalf of TMI Communications and Company, Limited Partnership, are an original and four copies of its Supplemental Comments in the above-captioned proceeding.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,


Peter M. Connolly

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
The Establishment of Policies and) IB Docket No. 99-81
and Service Rules for the Mobile) RM-9328
Satellite Service in the 2 GHz Band) DA-00-222
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**SUPPLEMENTAL COMMENTS OF
TMI Communications and Company, Limited Partnership**

1. TMI Communications and Company, Limited Partnership ("TMI" or "the Company") is one of nine applicants seeking spectrum in this processing round for the 2 GHz Mobile Satellite Service ("MSS") frequency band. In our June 24, 1999 comments, TMI endorsed the FCC's "flexible band" proposal as being the most equitable and flexible proposal among those offered for comment. TMI is pleased to make this submission in response to the Commission's request for supplemental comments concerning another alternative, which combines elements of the "traditional band" and "negotiated entry" approaches.¹
2. Under the FCC's alternative proposal, each MSS operator would not be assigned certain spectrum based on its system design. Rather, it would be able to choose its "home" spectrum based on when it launched the first satellite in its system. MSS operators would also be authorized to provide service on 2 GHz MSS frequencies outside their "home" spectrum on

¹ Public Notice, "International Bureau Requests Further Comment on Selected Issues Regarding Authorization of 2 GHz MSS Systems," IB Docket No. 99-81; RM-9328, released February 7, 2000.

a secondary basis, subject to coordination requirements and limited to the same amount of spectrum as had been assigned as “home” spectrum. This proposal is intended to promote the use of frequencies which are not used by terrestrial microwave licensees during the incumbent relocation process and also to facilitate intersystem coordination.

3. TMI is encouraged that the Commission has acknowledged commenters’ submissions regarding the negative impacts on the deployment of innovative mobile satellite services in the 2 GHz band which would result from MSS licensees having to pay for the relocation of terrestrial systems. TMI and other commenters have, at various stages in this proceeding, sought to highlight for the Commission the potential of relocation obligations to impede and delay the rollout of new MSS systems. TMI commends the FCC’s efforts to find a creative solution which will encourage MSS applicants to expedite their deployment plans. However, TMI has concerns about the proposal offered by the FCC in the February 7 Public Notice.
4. The Company’s primary concern about the proposed solution is that clear rules should be adopted to ensure that a fair allocation of the spectrum is not precluded because of “squatters’ rights” being accorded to the earliest satellites deployed. If the rules are not adequate, it would be possible for licensees to place in operation only a small part of their overall systems in order to occupy the most desirable frequencies, even though full system service may not be implemented for several more years. GSO satellites are relatively costly and complex to build and launch but can provide service throughout their coverage area with as few as one satellite. In contrast, individual NGSO satellites are relatively simple and

somewhat less expensive to construct and launch, but NGSO systems require a “constellation” of satellites to provide service on a real time basis over their coverage area. Therefore, linking a right to obtain spectrum to the successful launch of a single satellite would place GSO operators, such as TMI, at an unfair disadvantage.

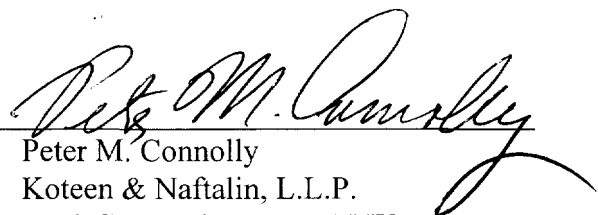
5. Therefore, the Commission should clearly establish that assignment of the most favorable spectrum by the earliest systems deployed is predicated on the operators being able to offer most of the “regular” service they plan to offer across their intended coverage area.
6. Also, the FCC must make certain that carriers are not able to choose “home” spectrum so as to preclude the service offerings of others. In our June comments, TMI endorsed a proposal to assign spectrum in 1.25 MHz “building blocks,” which would help to ensure equitable treatment for all. By making “home” spectrum designations contingent on which entity launches most quickly, the Commission may not be able to provide sufficient safeguards for later 2 GHz licensees if licensees choose home spectrum without regard to the frequency “interleaving” considerations referred to, for example, in Paragraphs 26-44 of the March, 1999 Notice of Proposed Rulemaking in this Docket.² It is also fair to say that the two paragraph discussion in the Public Notice does not provide an adequate description of how

² See In the Matter of The Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, Notice of Proposed Rulemaking, IB Docket 99-81, RM-9328, FCC 99-50, released March 25, 1999.

the FCC would deal with spectrum assignment and coordination issues under its "hybrid" option. If the FCC intends to move forward with this proposal, a better and more complete description of what is intended should be provided.

Respectfully submitted

**TMI Communications and Company,
Limited Partnership**

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February 17, 2000

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